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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,982	08/06/2001	Andrew Ewart Scott	A-70583	2198
7590	12/08/2005		EXAMINER	
Flehr Hohbach Test Albritton & Herbert Suite 3400 Four Embarcadero Center San Francisco, CA 94111			OPSASNICK, MICHAEL N	
			ART UNIT	PAPER NUMBER
			2655	
DATE MAILED: 12/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/831,982	SCOTT, ANDREW EWART
	Examiner	Art Unit
	Michael N. Opsasnick	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 September 2005.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-39 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Mayer (6282511).

As per claim 1, Mayer (6282511) teaches a data access method including connecting to a caller using a voice call path, receiving a request for data from said caller on said call path (col. 5 lines 42-52);

“sending.....prompt navigation language” as sending the request from the assigned voice serving unit to the primary serving node for the html page (col. 5 lines 49-55);

“receiving said....voice data....converting said voice data.....call path” as receiving the voiced text from the HTML page back to the user and converted into audio (col. 5 line 64 – col. 6 line 9).

As per claim 2, Mayer (6282511) teaches the HTML page to include voiced text (col. 5 lines 64-65), text and hypertext (col. 6 lines 47-65).

As per claim 3, Mayer (6282511) teaches conversion of text to speech (col. 6 lines 59-64).

As per claims 4,5, Mayer (6282511) teaches recognition of prompt data into a system action (col. 7 lines 24-29).

As per claim 6, Mayer (6282511) teaches waiting for the user's response to be translated (col. 7 lines 19-29).

As per claims 7,8, Mayer (6282511) teaches responding to the user's request with identifiable confirmation of what is located on the HTML page (col. 10 lines 35-50).

As per claims 9-13, Mayer (6282511) teaches the use of the system over the internet, taking advantage of HTML, to simulate IVR (col. 10 line 61 – col. 11, line 16).

Claims 14-39 are directed to a system and voice browser implementing the method as detailed in claims 1-13 and therefore are similar in scope and content and rejected under similar rationale as presented above in the rejection of claims 1-13.

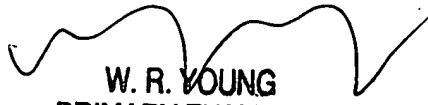
***Response to Arguments***

3. Applicant's arguments filed 9/22/05 have been fully considered but they are not persuasive. As per applicant's arguments that HTML expresses visual data which is contrary to the applicant's defined "prompt navigation language", examienr argues that HTML does not necessarily have to express visual data, and thereby qualifying HTML as a "prompt navigation language".

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

  
W. R. YOUNG  
PRIMARY EXAMINER

mno

12/7/05